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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,473

07/14/2004

Akihiko Okimura

1207-108

2424

23117

7590

08/24/2006

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EXAMINER

KING, BRADLEY T

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/501,473	Applicant(s) OKIMURA ET AL.	
	Examiner Bradley T. King	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1-06, 6-06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over East Jr. et al (US# 4901829) in view of Kemeny (US# 5560162) and JP 2000-319472(also note US Equiv. # 6548188).

East discloses a damper including; a base body 14 adapted to be capable of being attached to one of a pair of members which are displaced relative to each other; a support 22 secured to said base body and having a through hole; a rod 12 which extends through the through hole of said support, is movable in an axial direction with respect to said support, and is adapted to be capable of being attached to another one of the pair of members; and a friction member 24 which has a hollow cylindrical portion interposed between said support and said rod in the through hole of said support, and is fixed immovably with respect to the relative movement of the rod in the axial direction with respect to said base body. East lacks the disclosure of a cylindrical friction member having only one slit, one collar and a mesh-like base material disposed on a radially outer peripheral surface side thereof and a synthetic resin-made sliding layer filling meshes of said base material and formed on one surface of said base material. Kemeny discloses a similar damping arrangement and further teaches a friction

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member having only one slit as well as a collar retaining mechanism. JP 2000-319472 teaches a friction material including a mesh-like base material and synthetic sliding layer (see figure 3) whereby the mesh layer increases the load carrying capacity. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a friction element structured as taught by Kemeny to maximize the contact area, thereby increasing stability in the structure, include a collar interaction for retaining the friction member and utilize a friction material such as taught by JP 2000-319472 in the device of East to provide adequate load carrying capabilities for a given application, thereby ensuring proper operation and increasing the durability of the device. While it is noted that Kemeny teaches the use of two collars on the support member, it is maintained that utilization of a single collar on the friction member is an obvious and art recognized suitable alternative arrangement.

Regarding claim 24, see tightening means 26 and 30-31. ✓

Regarding claim 26, East further lacks a plurality of supports. Kemeny further teaches the use of multiple supports to fine tune the characteristics of the damper. See column 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further include a plurality of supports in the device of East(as modified above) to adjust the damping properties of the damper, thereby ensuring appropriate operation and performance.

Regarding claims 27-30, see JP 2000-319472 and US Equivalent.

Regarding claim 30, see figure 2 which shows a tubular body 4, end covers 8 and 10.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Regarding East, note that the clamp assembly has only one bolt. Reduction in diameter can only be attributed to the slit that is bridged by the bolt.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

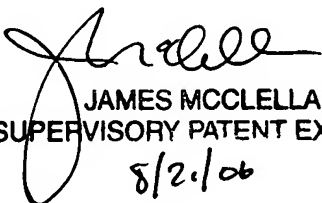
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR, or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BTK


JAMES MCCLELLAN
SUPERVISORY PATENT EXAMINER
8/21/06